

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE: COLLIER LAND & COAL DEVELOPMENT, L.P., Debtor.	Bankruptcy No. 10-22059-MBM Chapter 11 Related to Doc. Nos. 73, 74, 75, 85, 99 and 118
BERNSTEIN LAW FIRM, P.C. AS COUNSEL TO COLLIER LAND & COAL DEVELOPMENT, L.P., Movants, v. PARKVALE BANK, Respondents.	

STIPULATION AND CONSENT ORDER

The Bernstein Law Firm, P.C. (“***Bernstein***”), as counsel to Collier Land & Coal Development, L.P. (“***Debtor***”), and Parkvale Bank (“***Parkvale***”), by and through its undersigned counsel, hereby file this Stipulation and Consent Order, stating as follows:

WHEREAS, on March 31, 2010, Bernstein was appointed to act as counsel to the Debtor.

WHEREAS, on September 13, 2010, Bernstein filed its First Application for Interim Compensation and Reimbursement of Expenses for the period of March 25, 2010 to June 30, 2010 (the “***Fee Application***”).

WHEREAS, through the Fee Application, Bernstein sought approval and payment of fees totaling \$16,802 and expenses of \$1,336.48 (the “***Fees***”).

WHEREAS, while Parkvale did not object to approval of the Fees, Parkvale objected to payment of the Fees because Parkvale believed that the Fees would be paid from Parkvale's cash collateral.

WHEREAS, on October 20, 2010, after a hearing on the Fee Application, the Court approved the Fees but, upon the agreement of the Parties, did not order the Debtor to pay the allowed Fees at that time.

WHEREAS, prior to filing its bankruptcy petition, the Debtor paid Bernstein a retainer in the amount of \$20,000.00; \$2,552.50 of which was applied to certain pre-petition fees incurred in preparation of the bankruptcy filing.

WHEREAS, Bernstein continues to hold the remaining retainer in the amount of \$17,447.50 (the "***Retainer***") in escrow pending a court order allowing payment of its allowed fees.

WHEREAS, after an investigation of the source of the funds used to pay the Retainer it has been determined that the Retainer was not paid from Parkvale's cash collateral.

WHEREAS, the Parties hereto agree as follows:

1. Parkvale consents to application of the Retainer to the approved Fees.
2. Parkvale retains any and all rights in its cash collateral and nothing contained herein shall be deemed a waiver of those rights.

<u>By: /s/ Scott E. Schuster</u> Scott E. Schuster, Esq. Pa. Id. No. 203766 707 Grant Street, 2200 Gulf Tower Pittsburgh, PA 15219 (412) 456-8119 Attorney for Debtor	<u>By: /s/ Michael Shiner</u> Michael Shiner, Esq. Pa. Id. No. 78088 1500 One PPG Place Pittsburgh, PA 15222 (412) 566-1212 Attorney for Parkvale Bank
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